

CHAPTER 3: ACCOUNTING FOR MISSING SERVICEMEN

OVERVIEW

The responsibility for accounting for American military personnel and civilians missing or held captive as a result of the war in Southeast Asia resides with the Departments of Defense and State, respectively. Over the years their efforts have been supplemented by Congressional inquiries and Presidentially appointed emissaries. Nevertheless, the fullest possible accounting has yet to be obtained. The inability of the U.S. Government to achieve this goal over the last 20 years has spawned criticisms of the process and suspicions about the integrity of the effort.

The magnitude of work required to achieve the fullest possible accounting further underscores the need for cooperation from Southeast Asia governments. For instance, as of 1992, there were nearly 500 crash sites associated with unaccounted for U.S. personnel, according to the Department of Defense. Less than 100 of these sites have been visited by U.S. investigators. In Laos, there are approximately 250 crash sites associated with unaccounted for U.S. personnel, of which less than 40 have been visited by U.S. investigators. As of the publication date of this report, U.S. investigators have not had the opportunity to visit any detention sites or prison

camps in Laos for the purpose of fully evaluating various live-sighting reports.

In view of this situation, the Committee deemed it essential to undertake a comprehensive review of the policies and procedures used by the U.S. government to account for American prisoners and missing from the beginning of the war until the present. The purposes of this investigation were:

- To determine accurately the number of Americans who served in Southeast Asia during the war who did not return, either alive or dead;

- To evaluate the accuracy of the U.S. Government's own past and current process for determining the likely status and fate of missing Americans;

- To learn what the casualty data and intelligence information have to tell us about the number of Americans whose fates are truly "unaccounted for" from the war in Vietnam; and

- To consider whether efforts to obtain the fullest possible accounting of our POW/MIAs was treated, as claimed, as a matter of "highest national priority" by the Executive branch;

- To assess the extent to which Defense Department and DIA accounting policies and practices contributed to the confusion, suspicion and distrust that has characterized the POW/MIA issue for the past 20 years; and

- To determine what changes need to be made to policies and procedures, in order to instill public confidence in the government's POW/MIA accounting process with respect to the war in Southeast Asia and in the event of future conflicts.

In analyzing the accounting process, the Committee did not simply accept "the official view." Instead, Committee members asked Executive branch officials to break the process down, step by step, going back more than 25 years. The Committee asked them literally to reconstruct their database, and to reply to questions, under oath, about how and why individuals were categorized as prisoners of war (POW), as missing in action (MIA), and as killed in action, body not recovered (KIA/BNR). They were asked to explain who made these decisions, who kept the lists, and on what basis individuals were moved from one category to another.

The Committee's goal was to build a factual foundation upon which the remainder of its investigation could rely, so that it could proceed with an accurate understanding about what is possible and what is probable with respect to the three bottom-line questions: Were Americans left behind in captivity following Operation Homecoming? If so, how many? And, what is the likelihood that some of those prisoners might still be alive today?

The need for a solid grounding in fact is essential in any investigation, but it is particularly crucial in understanding the universe of what is possible with respect to the question of whether there are surviving POWs from the war in Indochina. Ever since the war ended, there has been a swirl of claims and counter-claims, suspicions and theories, about this question. By focusing on the details of the accounting process, the Committee sought to gain a realistic understanding of the spectrum of possibilities within which the truth must certainly fall.

Records search

The Committee began its investigation by seeking all data relevant to the accounting process including the lists of all prisoners and missing from each Defense Department (DoD) agency that maintained casualty and intelligence lists prior to, during, or after Operation Homecoming; casualty files from the individual services; analyses of individual cases; and policy documents. The Committee's search of the archival records held by the Defense Intelligence Agency (DIA)'s POW/MIA Office also yielded lists of American POW/MIAs that had been provided to private Americans by the North Vietnamese.

Early in its investigation, the Committee received the "Post Ceasefire Casualty Book", from the former office of the Comptroller, at the Defense Department. This book chronicles the Comptroller's number of unaccounted for servicemen from the signing of the Paris Peace Accords on January 27, 1973, through September 30, 1977. This document reflected the casualty status of servicemen who had not returned based on information which had been provided by the three main military services since the end of the war.

As such, the Comptroller's records provided an important baseline from which to examine the actual status of POW/MIAs. For instance, the records showed that there were 1,929 servicemen captured or missing before the start of Operation Homecoming and more than 1300 captured or missing by the end of Operation Homecoming. The records also showed that there were an additional 1100 servicemen who had been declared dead during the war, but whose remains had not been recovered. The Committee's task was to examine the accuracy of these numbers and to compare them with lists maintained by the services and the DIA.

Accordingly, the Committee requested and received from each service either microfiche or paper copies of all casualty files. The Committee was also provided access to both the casualty and intelligence files of the Joint Casualty Resolution Center (JCRC) and DIA's POW/MIA Office, respectively.

In January 1992, the Committee located the files of a U.S. Army unit responsible for maintaining files on American and foreign POWs from 1968 until 1971. The records of this unit describe the broad history of the DoD's POW/MIA accounting effort from the earliest days of the Vietnam conflict.¹⁷³ At the request of the Committee, all key documents in this collection were declassified by the National Archives.

DIA's records document an important part of the national intelligence picture before, during, and after Operation Homecoming. They indicate that DIA had not always recorded the same casualty status for an individual as had the individual's military service, but the Committee found no evidence describing DIA's methodology. Analysis was also complicated by the near total unavailability of service intelligence staff documents.

The Defense Department, with layers of command and a certain overlap in responsibilities, produced volumes of material at each

¹⁷³ 37.5 cubic feet of archival files of the U.S. Army's 22nd Prisoner of War Information Center currently at the National Archives, Suitland Reference Branch.

level in the military hierarchy. For example, each separate military service had separate casualty and intelligence files and separate staffs who developed them. The Committee sought to bring this material together and to locate material from the key military commands in Washington, from the Pacific Command in Hawaii, and from unified and specified commands in the Pacific theater. Little, if any, of these records had been sought in prior investigations of the POW/MIA issue.

Today, after more than a year of diligent searching, certain key groups or documents cannot yet be located. The Committee also learned that many of the individual service files have either been lost or destroyed.

For example, the U.S. Army's Deputy Chief of Staff for Intelligence (DCSINT) has been unable to locate any of his agency's archival POW/MIA intelligence staff records from the Vietnam war era. This includes internal intelligence reports, memoranda, planning documents and similar records documenting what the Army knew or suspected about personnel captured or missing in Southeast Asia. It remains unknown whether the records were destroyed or simply misplaced.

In another example, the U.S. Marine Corps initially reported to the Committee that it had transferred all of its documents to the Defense Intelligence Agency 11 years ago. When this turned out to be incorrect, the Corps reported that it had shipped the documents to the National Archives in 1990 for secure storage. The documents were turned over to DIA's Central Documentation Office in October 1992 for declassification.

The U.S. Navy provided a small, collection of assorted documents in response to the Committee's request, but advised that nothing further could be located. After repeated prodding from the Committee, the Navy reported that all remaining POW/MIA records had been destroyed in about 1975. Committee investigators then uncovered extensive Navy records at the Naval Historical Center which had been transferred there in 1973, including most of the major files of the Chief of Naval Operations' Special Assistant for POW/MIA Affairs. There are indications that certain sensitive Naval intelligence files were shipped to DIA in 1981, while others appear to have been destroyed in 1975 or 1981.

The U.S. Air Force provided no response to the Committee's original request for records. Finally, in September 1992, the Committee was provided a printout of a small portion of the archives at the Joint Services SERE (Search, Evasion, Rescue, Escape) Agency (JSSA) in Ft. Belvoir, Virginia. A Committee staff survey of a small portion of the JSSA files uncovered wartime Air Force Intelligence staff files. It appears that the wartime air intelligence files were transferred to JSSA in 1974, put on microfiche (where they have become largely illegible when printed out) and the original documents destroyed. Documents recovered from partially readable JSSA archives have filled in important gaps in understanding joint service activities, particularly after Operation Homecoming.

The Joint Chiefs of Staff (JCS) located in permanent storage its collection of POW/MIA related memoranda. These documents have been made available to the Committee through the Central Documentation Office (CDO). The Committee also located a monumental

study on the history of covert operations in Southeast Asia, the MACVSOG Document Study, together with other appropriate special operations annual histories. At publication time, these documents had been declassified, or soon were to be.

Sources indicate that there were some intelligence reports on POW/MIAs collected through MACVSOG during the war, especially in Laos. Unfortunately, the Committee was not able to locate these reports.

The Joint Task Force Full Accounting (JTF-FA) has yet to provide the wartime permanent records of the principal organization responsible for monitoring the POW/MIA problem on the ground in Southeast Asia, the special operations related Joint Personnel Recovery Center (JPRC). JPRC was transformed into the Joint Casualty Resolution Center in January 1973; the Committee has requested, but at publication time had yet to receive, an index of its archival files. The Pacific Command has reported it has no documents, even though it was one of the most major command players throughout the Vietnam war.

Finally, the Committee was hindered in judging the accuracy of servicemen accounted for and not accounted for during the war by the fact that Search and Rescue (SAR) reports had been destroyed following the war. We note that Gen. Vessey confirmed to the Committee that these records had been destroyed by 1979.

In May, 1992, the Committee located and began an exhaustive review of DIA's 1966-1981 archival POW/MIA files. The review was later expanded to include files at JSSA in Ft. Belvoir, Virginia. The archival files of both agencies brought to light a broad range of wartime and post-wartime policy and accounting documents, automated data base printouts, and weekly data input sheets covering the war and post-war period.

The Committee's investigation disclosed the possible existence of other collections of POW/MIA related files which have been requested for review and declassification, but which at publication time had not been received. These include, but are not limited to, the POW/MIA staff and operational files of the Military Assistance Command, Vietnam (MACV), J-2 staff element responsible for management of POW intelligence in Vietnam, and the Pacific Command's (CINCPAC) POW/MIA staff.

The archival POW/MIA intelligence files from the Department of State are also undergoing declassification. However, the Committee has been advised informally by the Department that these files are poorly organized and never have been indexed.

The Committee located and examined many POW/MIA lists compiled by official agencies involved in the accounting process over the last 20 years. Together these lists document the evolution of the U.S. Government's knowledge about the fate of American prisoners and missing. On its own, each list is an imperfect snapshot of knowledge at one point in time during the past 31 years. Many of the lists were provided to the Committee by family members and concerned individuals who had obtained the lists from the U.S. Government over the years. Because of automation procedures, the Committee found that many of these lists had not been archived by the government at the time they were printed, but rather were continuously updated in an automated database. Nonetheless, the

Committee was able to make determinations on the comprehensiveness of the lists, especially those produced by the DIA.

Many of the lists enabled the Committee to understand better intelligence and casualty information pertaining to missing servicemen. For instance, one important list, generated by DIA in 1979, included analytical comments indicating the possible survival or death of many unaccounted for U.S. personnel. Taken together, the DIA and State Department lists also showed that unaccounted for USAF personnel covered by the CIA at LIMA SITE 85 in Laos during the war did not show up on official lists until at least 1982, nine years after the war ended.

In another instance, a JTF-FA list of priority cases in Laos provided in March, 1992 indicated that several missing individuals in Laos were believed to have ejected from their aircraft before it crashed and to have reached the ground alive.

Civilian accounting: State Department

Although DIA included civilians in its accounting process, the official responsibility for collecting information and determining the fate of American civilians missing in Southeast Asia was held by the Department of State. This was a natural outgrowth of the Department's general responsibility to aid American citizens abroad.

Information was maintained on missing civilians, including private citizens, journalists, missionaries, employees of U.S. government agencies including DoD and the services, and employees of firms under contract to the U.S. Government. Sources used to obtain information included U.S. intelligence agencies, private citizens, press reports, and foreign governments.

During the war, the Special Assistant for POW/MIA Affairs (attached to the office of the Deputy Secretary of State), the East Asia Bureau, and the Bureau of Security and Consular Affairs had responsibility for POW/MIA accounting within State. The Special Assistant's office and the Consular Affairs bureau maintained files on missing civilians. This organizational structure for POW/MIA accounting remained essentially the same in the years after the war. However, in 1976 the Special Assistant's responsibility for POW/MIA affairs was transferred to the newly created Bureau for Human Rights and Humanitarian Affairs and the position of Deputy Assistant Secretary for POW/MIA Affairs was created within that bureau. The Office of Workers Compensation in the Department of Labor, which was responsible for financial support to the families of persons covered by the workers' compensation program, also maintained records on many of the missing.

Unlike DoD, State did not categorize individuals as "prisoner", "missing" or "killed." While there was firm information in some cases as to the fate of the individual, the Department avoided categorization in the absence of official documentation. In testimony before the Committee in June, Frank Sieverts, who served as both the Special Assistant and Deputy Assistant Secretary of State for POW/MIA Affairs from 1966 to 1978, explained the rationale behind this policy:

. . . in the absence of official documentation, we did not label these individuals in this way. We simply kept files that were as complete as we could make them.¹⁷⁴

In view of this policy, State did not compile or disseminate the types of POW/MIA lists created by DIA or DoD. Rather, State officials communicated regularly with families in an effort to provide as much information as possible.

Civilian accounting: Central Intelligence Agency

During its investigation, the Committee also found that the Central Intelligence Agency maintained information on missing civilians who had been employed by the Agency in Laos. During the "secret war" in Laos, the CIA had operated three proprietary organizations known as Air America, Continental Air Services, and Byrd and Sons. The Committee received information from CIA that 40 personnel were lost by CIA during the war in Laos; as of publication time, the CIA has informed the Committee that the fate of these individuals is known, except for six who are carried on lists maintained by DIA.

Deserters

None of the lists obtained by the Committee includes deserters because, as a matter of policy, DoD did not consider deserters to be military casualties. Although the Committee's principal concern was POW/MIAs, there was interest in determining whether any deserters in Southeast Asia might have been the subject of reports of alleged POWs surviving after 1973. A preliminary inquiry by the Committee found that the issue of deserters and its relation to POW/MIA accountability had never been studied thoroughly by the Executive branch.

Committee investigators identified a master list of 1,284 possible deserters from nine separate lists provided by various services and agencies. On March 19, 1992, the Committee provided this information to the Administrator of the Social Security Administration (SSA) and the Director of the Federal Bureau of Investigation (FBI). The Committee asked each agency to review all appropriate files and identify all known deserters locatable outside Southeast Asia.

In June 1992, the two agencies responded. The SSA Administration was able to confirm more than 300 of the deserters located in the United States after the end of the Vietnam War. The FBI correlated the 1,284 names on the master list to 1,198 individuals. Of these, there were no FBI records on 391 of the reported deserters; 60 names were duplicates or represented an alias. There were investigative files on all remaining individuals and copies of sensitive files were provided to the Committee for further review.

In July 1992, the Committee forwarded the information to CDO with a request that the FBI's information be compared to that in the databases of each individual service. To date, it appears that approximately 50 deserters remain unlocated in subsequent records.

¹⁷⁴ Hearing, Senate Select Committee on POW/MIA Affairs, 25 June 1992, p. 19.

The Committee notes that DIA and CILHI's assessment that fewer than 100 (15 in one list; 65 in another) are known to have deserted while assigned to units in Vietnam. Only two of these individuals, McKinley Nolan and Earl Clyde Weatherman, are believed to have been in Vietnam after the fall of Saigon.

The Committee also received information from officials in the former Soviet Union, and from a KGB defector in the United States, that a group of American servicemen had deserted a U.S. carrier in Japan with KGB assistance during the Vietnam War. These Americans had then traveled to Moscow and from there to other countries outside the United States.

WARTIME ACCOUNTING

The process

September 1963, the Defense Department began to compile weekly statistical reports of American casualties in Southeast Asia. These reports, retroactive to 1961, were based on information provided by each of the military services in accordance with a memorandum from the Director, Statistical Services, Office of the Assistant Secretary of Defense (Comptroller).¹⁷⁵ The Comptroller was responsible for compiling and publishing the reports during and after the war until 1982, when the duty was transferred to the Directorate for Information Reports of the Washington Headquarters Services (DIOR). Changes in the statistical information were made only upon notification from the services because the services had, and continue to have, the legal responsibility for making status determinations.

This casualty reporting system was driven primarily by the needs to re-staff missing personnel and to determine entitlements. Those who were incapacitated and unable to perform their assigned task had to be accounted for and identified before replacement troops could be requisitioned, whether the individuals were believed to be missing or captured. Since the system was driven largely by personnel needs, the casualty categories were very specific, designed to provide precise information as to whether someone was dead, wounded or missing as a result of hostile or non-hostile action; whether someone was captured; and if dead, whether the body had or had not been recovered. Both the services and DIOR maintained this information, although DIOR's reports consisted of the aggregate numbers of all service personnel in each of these categories. DIOR did not begin to keep information on service personnel by name until the end of Operation Homecoming in March 1973.

The information collected by DIOR from the services established a database which was used not only for personnel reasons but also to compile information on those who were "unaccounted for" during and after the war. DIOR's "unaccounted for" statistics were the "official" DoD statistics which were disseminated to Congress, other agencies, the public and the families.

¹⁷⁵ This reporting requirement was formalized in DOD Instruction 7730.22, issued December 2, 1963.

Testimony presented to the Committee by Service representatives in June 1992 suggested that the reporting policies and procedures have varied little from the early days of the war to the present or from service to service. In general, the reporting procedure consisted of collecting as much information as possible immediately or as soon as possible, after the loss incident, including eyewitness accounts; and forwarding that information in the form of a casualty report from the unit commander through one or more levels of command to the service headquarters in Washington. In each service, the commanding officer of the unit held the initial responsibility for determining the casualty status of an individual lost under his command. By law this status could be changed only by the Service Secretary or his designee. None of the services provided casualty reports on individuals absent without leave (AWOL), unless information demonstrated that the absence was involuntary, or on deserters. Deserters were dropped from the military roles by all services unless they came back under military control.

Early losses

The United States sustained casualties in Laos in 1961, not all of which were accounted for through the 1962 Geneva Accords on Laos.

The accounting for Americans captured or missing in Vietnam during the early 1960's was complicated by the nature of the conflict. Much of the Defense Department's doctrine at the time was an outgrowth of lessons learned during World War II and the Korean War. These lessons provided little guidance for categorizing those who became unaccounted for while participating in an ill-defined, counter-insurgent war. This dilemma was illustrated by the Executive branch's policy of referring to prisoners during this period as "detainees," thereby avoiding a characterization associated with formal involvement in war.

Even by 1965, after the U.S. advisory effort in South Vietnam had given way to the deployment of units of division size, there was still no clearcut definition of the conflict. Without a declaration of war or large-scale military mobilization, it was questionable whether the 1949 Geneva Convention governing the treatment of prisoners of war was applicable. There was no effort, during these early years, to spur international efforts under the International Committee for the Red Cross (ICRC) or similar organizations either to define the war as being an "armed conflict" in the legal sense or to designate those captured as bona fide prisoners of war.

The increasing number of casualties, coupled with reports of prisoner executions and North Vietnamese threats to try U.S. prisoners as criminals, prompted a review of the issue during the first part of 1966. On July 21, 1966, the Office of the Assistant Secretary of Defense issued a directive providing that "U.S. military personnel captured in Vietnam will be categorized as captured or interned rather than detainees."¹⁷⁶ Thereafter, the United States argued (albeit in vain) that its prisoners should be accorded the protections of the Geneva Convention, including a public account-

¹⁷⁶ TAC Escape & Evasion Bulletin, May 1967, OT 67198.

ing, access by humanitarian groups and the right to send and receive mail.

DIA's involvement

U.S. units arriving in Vietnam before and during the major build-up in 1965 collected and reported POW intelligence in accordance with procedures established by the DIA. Selected units in Vietnam also initiated agent operations in an effort to locate and recover American prisoners. In addition, the Military Assistance Command Studies and Observation Group (MACSOG) directed covert in-country and cross-border agent operations against targets approved by the Joint Chiefs of Staff, particularly inside North Vietnam. These operations were carried out by the Joint Personnel Recovery Center (JPRC). JPRC's activation was intended to meet a growing need for POW intelligence and to respond, if possible, to the intelligence developed.

The loss of servicemen at an ever increasing rate by 1966 increased the urgency of the accounting process and demonstrated the need for more and better intelligence. The effort to establish a focal point for POW/MIA accountability led to the involvement of the DIA in the accounting process.

Beginning in late 1966, DIA was assigned specific responsibilities with regard to U.S. POWs by the Joint Chiefs of Staff.¹⁷⁷ The Services retained the responsibility for accounting for their own personnel and for producing their own intelligence about the fate of casualties. DIA's role was to ensure that a high priority was given to the collecting of POW intelligence. Beginning at that time, detailed weekly casualty data was provided by the military services to DIA. The result was the development of a second system of POW/MIA accounting maintained by DIA and based on casualty information produced by DIOR and intelligence information.

DIA's role in the accounting process grew after 1966, as DIA assumed the chairmanship of the Interagency POW Intelligence Ad Hoc Committee and participated in the POW/MIA Intelligence Task Force formed in 1971. The intelligence branches of each of the military services, the CIA, and the State Department were represented on each of these entities.

In October 1969, DIA approved the Pacific Command's request for a Human Resources Collection Directive (HRCDD), which envisioned conducting agent operations in Laos and North Vietnam for the purpose of obtaining POW intelligence.¹⁷⁸ The Pacific Command pointed out the need for clandestine agent operations because the North Vietnamese had not divulged the identity and location of U.S. prisoners. Two primary targets were established in Laos, Khang Khai and Sam Neua; and four in North Vietnam: Hoa Lo Prison, Xom Ap Lo Prison, Cu Loc Prison and the Citadel Prison. This effort was the start of a high-level clandestine agent operation, aspects of which remain classified.

DIA's wartime accounting efforts were focused almost exclusively on determining who were prisoners and where they were held.

¹⁷⁷ JCS Memo DJSM-499-66, 19 April 1966, Subject: Functions and Responsibilities Related to US Prisoners of War.

¹⁷⁸ Human Resource Collection Directive (HRCDD) PH-1001, 1 October 1969.

Unlike the Services, DIA collected information on American civilians as well as military personnel. However, DIA did not collect information on any individual until the services or the State Department indicated that that person was missing. As information on prisoners and missing was received, DIA's POW/MIA Office attempted to correlate that information to an individual POW or MIA. DIA had no written criteria or procedures, either during the war or after, to determine who was a prisoner of war. DIA's categorization of an individual as a POW was an "analytical judgment."

From 1966 onward, DIA kept an automated database reflecting who was a prisoner and who was missing. It did not keep records on Americans believed to have been killed, but whose bodies were not recovered, so DIA did not maintain wartime files on approximately half of the 2,264 Americans currently listed as unaccounted for from the war in Southeast Asia. The only exceptions were those initially declared dead and later determined to have been captured.

DIA relied on numerous sources of information including enemy news releases, captured documents, enemy prisoner interrogations, and intercepted enemy radio communications. Other information concerning the fate of missing or captured individuals was received from escapees and early releases. During the war, 84 individuals either escaped or were returned alive from captivity. Based on their reports, DIA listed 21 individuals to have died without the recovery of remains.

In addition, the DIA relied on the "official" lists provided by North Vietnam to private individuals and to Senator Kennedy in order to update and judge the accuracy of its own lists. One of the most important lists the DIA received was from an early releasee in 1969, Captain Wesley Rumble. While in captivity, Captain Rumble memorized a list of more than 300 servicemen whose names he had heard in conversations with his fellow prisoners.

Another important source of information, especially later in the war, was the receipt of mail from American prisoners in North Vietnam. Unfortunately, no mail came from either Cambodia or Laos and little was received from POWs held by the Viet Cong in South Vietnam.¹⁷⁹

DIA's correlation efforts resulted in the establishment of what DIA officials call "working lists" of Americans believed by DIA to be missing or held captive. Since DIA has no legal responsibility for making casualty status determinations, these lists were, not "official". At various times during and after the war, DIA's lists differed from those maintained by the individual services. The apparent reason for this is that DIA was in a better position to respond quickly to new intelligence information than were the boards set up by the services to review casualty status determinations.

The DIA and the military services were not the only agencies involved in the POW/MIA issue. The U.S. Air Force had overall responsibility for survival, escape and evasion. Within Vietnam, the JPRC was responsible for planning efforts to rescue U.S. POWs.

¹⁷⁹ Testimony, May 6, 1970, by G. Warren Nutter, Assistant Secretary of Defense (International Security Affairs), before the Subcommittee on National Security, House Committee on Foreign Affairs.

Cross-border operations

Beginning in the mid 1960s the Joint Chiefs of Staff (JCS) decided to classify and/or falsify the loss locations of many military personnel killed, captured or missing in action from covert, cross-border operations in Laos and Cambodia and exempt them from normal casualty reporting requirements. As a result, the casualty and intelligence files for many individuals lost on these "black" operations contained incorrect countries and locations of loss. The purpose of this policy was to maintain the secrecy surrounding U.S. operations in Laos and Cambodia. The consequence of this policy was that service casualty officers unwittingly provided families with inaccurate casualty data. For example, in one instance, a woman was told that her husband was missing after a combat action in South Vietnam when, in fact, he had fallen from a helicopter while being extracted from an intelligence mission in Cambodia.

Corrections in loss locations for these individuals were made beginning in May 1970 for Laos and in May 1971 for Cambodia. Formal, public disclosure of these operations and the admission of the falsification of loss locations and coordinates did not occur until July 1973. Due to the loss and destruction of wartime special operations records, the process of correcting inaccurate loss locations continued at least through 1977.

The confusion caused by the falsification of the records was one of many sources of concern expressed by Brig. Gen. Robert Kingston, first commander of the JCRC, when he assumed the job of accounting for missing U.S. personnel in the post-war period. The JCRC began work with the wartime records it inherited from the Joint Personnel Recovery Center (JPRC). In a message to the Pacific Command at the time, Gen. Kingston wrote:

Since its inception the JCRC has been confronted with the task of attempting to develop a complete and accurate database of information on missing and KIA personnel for whom search/investigation operations are required. At the time of its activation, the JCRC acquired the records of the Joint Personnel Recovery Center (JPRC). Since that time, continuous and extensive efforts have been made to correct deficiencies in the records. The premise that JPRC records were reasonably complete and accurate was erroneous . . . Recently, the JCRC initiated search/investigative operations and inadequacies in the records became apparent . . . Review of our records reveals numerous . . . cases where there is reference to previous search/rescue operations but reports of the operations are not available. Additionally, there are instances of omitted or conflicting coordinates on crash locations. Due to previous security restrictions, some personnel are carried in one country when in fact they were lost in another . . . We have had cases of KIA/BNR where research on the part of JCRC has revealed that remains were previously recovered. We expect there are more such cases. In few cases do JCRC records contain reports of eye-witnesses to the incident. In many

cases, information contained in the records was obtained by informal liaison and word of mouth . . . ¹⁸⁰

Documents related to the falsification of records concerning the, cross border operations have been declassified at the Committee's request.

Databases and accounting terms

As indicated above there were two databases which were used within the DoD to determine the number of individuals unaccounted for in Southeast Asia. The first database, which DIOR maintained, was built upon basic casualty information provided by the services.

The second, created by DIA, consisted of casualty information from DIOR and intelligence information. During and after the war both DIOR and DIA used their respective databases to generate lists of those unaccounted for.

During the war the term "unaccounted for" was used by DIOR, and thus officially by the DoD, to refer to prisoners of war and missing. Until 1973, DIOR included both those "missing in action" (MIAs) and those "missing in nonhostile circumstances" (MNH) under the term "missing." The MNH are individuals who disappeared under non-combat situations. Beginning in 1973, DIOR began treating MIAs and MNHs as separate categories and reported them as such.

During the war and throughout most of the 1970s, DIA used two categories to refer to those who were unaccounted for: prisoner of war and missing in action. The latter included those lost under both hostile and non-hostile circumstances.

During the war, field units established casualty boards to review and make recommendations on the casualty status of each individual unaccounted for. Casualty boards were expected to meet while incidents were still fresh in people's minds, witnesses were readily locatable, and pertinent documents could be made available. In many cases, particularly with respect to the loss of Air Force and Navy pilots over North Vietnam, the casualty review boards concluded that an individual had been killed but that the remains were not recoverable at the time. These casualties were categorized by DIOR, the services, and DIA as "killed in action/body not recovered" (KIA/BNR). Individuals in this category were not considered to be "unaccounted for" during the war years. The Committee notes, however, that in some cases information later surfaced that provided an accounting for those listed as KIA/BNR.

Casualty status determinations

The Missing Persons Act gives Service Secretaries the sole statutory authority to make casualty determinations. The law was enacted to alleviate financial hardships endured by the dependents of members of the military services who were officially carried as "missing." It requires the Service Secretaries to review the determination of casualty status within 12 months of the individual's

¹⁸⁰ COMUSSAG/JCRC NKP THAI Message 260440z May 73, Subject: Development of Complete and Adequate JCRC Data Base.

classification as "missing." A presumptive finding of death (PFOD) may be made if the service member can no longer reasonably be presumed to be living and if the passage of time, the absence of information, and the circumstances of disappearance warrant such a determination. The PFOD is a legal mechanism for permitting the settlement of estates. It cannot be made when there is evidence that an individual is alive; however, it can be made without certain evidence of death.

During the early years of the war, the Service Secretaries approved PFODs for 21 servicemen who were reported to have died in captivity without the recovery of remains. In some instances, the deaths were reported by POWs released in South Vietnam by the Viet Cong. In other cases, the Viet Cong announced that a prisoner had been executed.

In December 1970, North Vietnam released what its officials purported to be a comprehensive list of U.S. POWs detained inside North Vietnam. Included was a list of 20 servicemen reported by North Vietnam as having died in its custody. Dr. Roger E. Shields, Assistant to the Assistant Secretary of Defense (ISA), recommended to the Secretary of Defense that the list be accepted "as an official notification by the NVN government of the status of the men listed thereon," and that the list be forwarded to the Service Secretaries for their evaluation.¹⁸¹

In a subsequent memorandum, Dr. Shields recommended that the Secretary of Defense ensure that the Missing Persons Act was interpreted uniformly, that the authenticity of North Vietnam's list be verified, and that there be a coordinated notification to the next-of-kin. Dr. Shields wrote further:

I believe it is unlikely that we will receive the information required by the Geneva Convention . . . A finding of death in these cases will not foreclose a continuing demand for more details from NVN. We suspect most (next of kin) will accept a finding of death, but a few may protest very vocally . . . It is doubtful that legal action challenging a finding of death would be successful in overturning a Service Secretary's decision. Similar actions attempted in the past have failed.

Secretary of Defense Melvin Laird did not concur with Dr. Shields' recommendation on the ground that it might undercut U.S. efforts to press for implementation by North Vietnam of the Geneva Convention.

In December 1972, while preparing for the impending release of American POWs that would accompany the signing of the Peace Accords, Dr. Shields revisited the PFOD issue in a memorandum to Rear Admiral Donald B. Whitmire, Assistant Deputy Director for Intelligence, DIA.¹⁸² Dr. Shields wrote:

In the aftermath of the Vietnam conflict . . . one of the major problems which will face the Department of Defense

¹⁸¹ Memorandum I-20250/71, Subject: PW List Released by North Vietnamese on December 22, 1970.

¹⁸² Memorandum I-16819/72, 21 Dec 72, OASD/ISA, Subject: Account for U.S. Servicemen Missing In Action in Southeast Asia.

and several hundred family members will be the resolution of the status of our men missing and unaccounted for throughout Indochina. Continuing uncertainty . . . has resulted in an increasing distress . . . among the next of kin . . . pressure will be intense . . . to adequately resolve the MIA cases within a reasonable time frame.

War-time lists

During the war, DoD kept two broad categories of lists of POW/MIAs. The first was the basic casualty lists prepared by the services; the second was intelligence casualty lists prepared by DIA and the DoD for the purpose of tracking those who were "unaccounted for". Early computer models and automated data processing (ADP) began to be used in casualty accounting during the late 1960's. Accuracy depended on the reliability of information entered and the care taken by those entering it. At times, errors in one area or another caused the production of lists which were not totally accurate.

Although individual casualty reports were often unclassified, except in the case of covert cross-border losses, the overall lists of casualties were usually classified as "confidential." Intelligence lists were routinely classified as "secret." The reason for the different degree of classification was that the intelligence lists often contained more precise data about loss location and analysis of the likelihood of capture. The estimated location often reflected a range of intelligence estimates and may, or may not, have been based on firm information.

The refusal of the DRV to apply the 1949 Geneva Convention to the Vietnam War was an obstacle to U.S. efforts to confirm the casualty status and condition of American POWs. For example, very little mail was received from U.S. POWs prior to 1970, despite prisoners right to send and receive mail under the Convention. DoD did receive some wartime lists and other forms of information about American POWs from private individuals who were involved with the peace movement.

In 1967, Mr. Joseph Elder, a staff member of the American Friends Service Committee, traveled to North Vietnam carrying with him a small quantity of mail to be delivered to POWs. Through 1969, he and other Friends staff carried mail from next-of-kin in the United States to POWs in Vietnam and often brought mail from POWs to their next-of-kin when they returned. The quantity of mail on each trip varied from a half dozen letters to hundreds. The Friends' effort was complemented by anti-war activists who also traveled to Vietnam.

In October 1969, Mr. Elder met with U.S. officials in Hong Kong and was given a list of U.S. POWs about whom the U.S. hoped North Vietnam could provide information. The U.S. officials soon changed their minds, however, and asked Mr. Elder not to share the list with the North Vietnamese. As a consequence, Mr. Elder simply asked North Vietnam to provide its own list of American POWs. This request was denied.

On November 26, 1969 DIA received what it described internally as its "first list."¹⁸³ While perhaps coincidental, the receipt, from Hanoi of such a list may have been related to Mr. Elder's visit to Hanoi the previous month. This "first list", consisting of 59 names, was provided to anti-war activist Mr. David Dellinger. Of the 59 names on the Dellinger list, 54 were carried by both DIA and the services as POWs. The other five were carried as POWs by DIA and as MIAs by their respective services.¹⁸⁴

In January 1970, the Committee of Liaison with the Families (COLIAFAM), released a list of 156 U.S. POWs detained in North Vietnam. The Co-Directors of the Committee were Cora Weiss and David Dellinger. The Committee also released a list of five servicemen "confirmed as being dead by the North Vietnamese." Of these five, three were listed by the DRV at the time of the Paris Peace Accords as having died in captivity, while the other two were never confirmed as having been held captive. The remains of all five have been repatriated.

Throughout 1970 and 1971, the list of confirmed POWs grew, as efforts to facilitate the exchange of mail and to obtain partial lists from North Vietnam slowly progressed. Mail and other information arrived through a variety of channels, including the Friends, COLIAFAM, other activists, Mr. H. Ross Perot, and even the Swedish Prime Minister, Olav Palme. By September 1970, the number of confirmed American prisoners had risen to 335. On December 22, 1970, North Vietnam provided Senator Edward Kennedy with a list of 368. As before, the North Vietnamese claimed that this was a comprehensive list of U.S. POWs detained inside North Vietnam.

In mid-1972, the Japanese "Nippon Dempa" News Agency released a list of 390 U.S. POWs.¹⁸⁵ DIA analysis found that 339 of the names on this list had been acknowledged previously as POWs by the DRV, 9 were individuals already released, 20 were servicemen the DRV had reported earlier as dead, and 22 were new names, all airmen lost over North Vietnam between December 1970 and May 1972.

In June and August, 1972, Senator Kennedy announced the receipt of two new lists, of 24 and 10 respectively. All of the names on these lists were associated with recent combat activity. By the fall of 1972, the list of confirmed U.S. POWs held by North Vietnam had risen to more than 400.

The Sullivan report

In June 1972, a high-level interagency report on the POW/MIA issue was completed under the direction of Assistant Secretary of State William H. Sullivan, Chairman of the Ad Hoc Group on Vietnam.¹⁸⁶ The report examined lessons to be learned from the POW

¹⁸³ List, Names of U.S. POWs Released Thru U.S. Mobilization Committee, "First List 26 Nov. 69".

¹⁸⁴ This difference is symptomatic of the lack of full coordination between DIA and the services in the accounting process. The reasons for the difference were that DIA analysts had determined, based on mail received and information from early releases, that the five should be considered POWs. The five individuals listed as MIA were later reclassified as POWs and returned alive from captivity during Operation Homecoming.

¹⁸⁵ Memorandum for Capt. Robert E. Adams, 21 June 1972, Subject: Reported "Master List" of U.S. PWs in North Vietnam.

¹⁸⁶ JCS 2478/611-4, 20 June 1972; OASD/ISA Memorandum 1-26292/71.

exchange at the end of the Korean war, the French experience in Indochina in 1954, and the U.S. experience in Laos in 1962.

The Sullivan report concluded that North Vietnam's overriding military and political objective was the withdrawal of all U.S. military forces and the eventual takeover of South Vietnam and the neighboring countries of Laos and Cambodia. It presumed that North Vietnam was using U.S. POWs as leverage to achieve U.S. withdrawal and speculated on the possibility that U.S. POWs would be retained as bargaining chips. The report cited Laos as a particular area of concern because of the more than 300 Americans were listed as missing in that country. Despite indications that some U.S. POWs captured in Laos had been moved to North Vietnam, there was reason to believe that a number of Americans could still be held as prisoners in Laos. The Pathet Lao had stonewalled on any accounting for U.S. POWs until after a ceasefire and the cessation of all U.S. bombing in Laos.

As to how many U.S. POWs might actually be repatriated, the report concluded that an estimated 120 Americans were alive in captivity over and above the approximately 400, officially acknowledged at the time by North Vietnam. Returning POWs were expected to provide answers about the fate of many of the missing. With respect to a post-ceasefire accounting, the report stated that lessons learned from the Korean War suggested it might not be possible to account for Americans immediately, or to recover American war dead from areas of enemy control.

The report also noted that North Vietnam had raised the war reparations issue since 1967 and had linked it both to a ceasefire and to a prisoner exchange. In reviewing the Sullivan report, the Joint Chiefs of Staff expressed opposition to any payment for the return of U.S. POWs.

Preparations for repatriation

The military services had been charged with maintaining dossiers on each POW and MIA since August 1966.¹⁸⁷ The dossiers were to include the most recent photograph, a summary of personnel and medical records with complete identification data, the circumstances of the casualty, all information about the individual received since becoming a casualty, and appropriate military orders.

As part of the preparations for Operation Homecoming, DIA adopted an ADP system, originally developed for the Air Force by a private contractor, in order to "... expedite the determination of the status of U.S. personnel not returned to U.S. control."¹⁸⁸

This ADP system was managed by DIA "... for the expeditious correlation and analysis of information derived from the initial debriefing of PWs" and to "provide intelligence support to the USG negotiations and other national bodies." On October 11, 1972, DIA agreed to give the Air Force executive agency authority over the ADP system under DIA management.¹⁸⁹ Information entered into

¹⁸⁷ Working Paper, Personnel Directorate, Personnel Division, JCS, 6 January 1972, Subject: Dossiers Concerning Captured/Missing US Personnel and Identification of Remains.

¹⁸⁸ Memorandum U-11, 136/DI-6, Subject: DIA Regulation 60 Series: Intelligence Support to HOMECOMING Initial Debriefings of Repatriated Prisoners Of War.

¹⁸⁹ Memorandum FOUO-3, 069/DI-6C, 24 Jan 1973, Subject: Request for Assistance.

the database would be from both military and civilian sources. Civilian-associated information would be collected by the military, based on a 1972 agreement between DIA and the Department of State and would be reported to State.¹⁹⁰

The ADP agreement specified that the Air Force would determine the distribution of the initial debriefing reports but, in fact, the DIA played a key role.¹⁹¹ It excluded from the distribution list the JCRC, which was charged with seeking to resolve the status of MIAs and KIA/BNRs through the recovery of remains. DIA's argument, put forward by its POW/MIA Chief, Commander Charles Trowbridge, was that the Phase III debriefings were too voluminous, would require extensive photocopying, were not casualty-oriented and did not provide information of value to the mission of the JCRC. The CINCPAC was excluded from the list for similar reasons.¹⁹²

Operation homecoming accounting

The Paris Peace Accords were signed and POW lists exchanged on January 27, 1973. The U.S. delegation received what were represented to be complete lists from the DRV and PRG. The United States did not at any time during the negotiations, or after, present the Vietnamese with its list of Americans expected to be returned. American negotiators feared that prisoners would be withheld or used as bargaining chips if a U.S. list were handed over.

As of January 27, 1973, the Defense Department listed 1,929 Americans unaccounted for. These included 1,220 missing in hostile action (MIA), 118 others missing from non-combat related causes (MNH), and 591 servicemen officially listed as prisoners of war (POW). These statistics were based on the status determination made by the service Secretaries. In addition, 1,118 servicemen had been declared dead by the service Secretaries without the recovery of remains.

The DIA list was not identical to the DoD list, in part because the DIA list included civilians. The DIA list of 1,986 unaccounted for included 54 civilians, of whom 41 were listed as POWs and 13 as missing. The remaining 1,932 unaccounted for were military personnel including 626 listed as POWs and 1,306 listed as missing. Unfortunately, the Committee was unable to locate any archival compilation of names to support DIA's statistics or any evidence to suggest that DIA attempted to coordinate its overall statistics with those of the services or the DoD.

On January 28, 1973, the DIA completed its first analysis of the DRV/PRG lists and reported its findings to the Office of the Assistant Secretary of Defense for International Security Affairs. The DRV/PRG lists totaled 717 persons, including both U.S. and foreign nationals. The DRV list had 495 names; the PRG had 222. A total of 577 Americans were to be repatriated alive, of whom 22

¹⁹⁰ Memorandum U-3, 070/DI-6, 22 Jan 73, Subject: Processing of U.S. Civilian Returnees.

¹⁹¹ Staff Summary Sheet, DI-6, undated in Dec 72, Subject: EGRESS RECAP Debriefing Reports.

¹⁹² Memorandum, DI-6, Subject: Homecoming Debriefing Reports, undated; JCS 2095/83, 25 Jan 73.

were civilians. According to DIA, this left 1,325 Americans not accounted for, including 56 listed as POWs and 1,269 Missing.¹⁹³

On January 29, the DIA reported the following breakdown to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense: 566 Americans were to be returned alive; 64 were reported as having died in captivity; and 87 of those DIA had listed as POWs and 1,277 listed as MIAs were not accounted for.¹⁹⁴ The breakdown was corrected on January 31 to include one additional unaccounted for MIA.¹⁹⁵ In a later report, DIA indicated that of the 64 listed as having died in captivity, 18 had previously been so listed by the services and DIA, 9 had been listed as MIA, 3 were cases of misidentification, and 34 had been listed by DIA as POWs.

Also on January 29, DoD's POW/MIA Task Force provided its own analysis of DRV/PRG lists.¹⁹⁶ It determined that the DRV list of 495 names included 12 persons previously released, 23 reported to have died, and 460 to be released (456 military, 1 civilian and 3 foreign nationals.) The PRG list of 222 included 50 previously released, 47 said to have died in captivity, and 125 to be released (99 military, 21 civilians and 5 foreign nationals.)

On February 1, 1973, the DRV provided U.S. officials with an additional list (DRV/Laos list) of 10 persons who had been captured in Laos. The DIA reported that, with the new list, a total of 586 Americans were to be returned alive, 63 had died in captivity, and 80 POWs and 1,276 MIAs remained unaccounted for.

On February 6, 1973, DIA provided its analysis of the names on the DRV/Laos list, in addition to expressing concern about the incompleteness of the list. Of the nine Americans and one Canadian on the list: three had been listed as POWs associated with Laos; four were listed by DIA as POWs associated with North Vietnam and by the services as POWs associated with Laos; and two were listed as MIAs. DIA also noted, with concern, that 215 of the 350 missing Americans in Laos were lost under circumstances where the enemy probably had knowledge of their fate.

The DIA report mentioned that the agency had listed a total of 13 Americans as POWs associated with Laos prior to the first exchange of lists on January 27. Four of these were accounted for on the DRV/PRG lists and three on the DRV/Laos list. This left six individuals—five servicemen and one civilian—listed by DIA as POWs associated with Laos. It should be noted that, at this point, the military services listed only two servicemen as having been confirmed captured in Laos. The reasons for the difference were (1) the inclusion of one civilian and (2) because, three of those listed as POWs by DIA did not meet the services criteria for classification due to insufficient evidence of captivity.

In hindsight, the DIA reports between January 29 and, February 6, 1973, indirectly impinged on the services authority to determine casualty status by reporting as accounted for all those listed on the

¹⁹³ Memorandum for the Director OASD (ISA), PW/MIA Task Force, 29 January 1973, Subject: PW/MIA Activities Report (270530 Jan 73-282200 Jan 72 (sic)).

¹⁹⁴ Memorandum for the Chairman, JCS, S-3/DI-6C2, 29 Jan 73, Subject: North Vietnamese/Viet Cong Prisoner Lists.

¹⁹⁵ Memorandum, DIA/DI-6C2, 31 January 1973, Subject: Analysis of Enemy Lists of U.S. Personnel.

¹⁹⁶ Fact Sheet, PW/MIA Task Force, 29 January 1973.

DRV/PRG lists as having died in captivity (or returned alive). In fact, DOD took no action to adjust its official casualty records pending actual repatriation of live POWs and a formal casualty board review of the status of those not so repatriated. Since the evidence of death for those reported by the DRV and PRG to have died in captivity was not necessarily conclusive, these reports may have contributed to future misunderstandings about who had been accounted for and who had not.

At Operation Homecoming, ten Americans, including one civilian, were listed as unaccounted for over China. Of these, three had been reported alive in the Peking Municipal Prison as late as December 1971 and were released in March 1973. The others remain unaccounted-for.

POW numbers

As mentioned above, DIA listed 80 Americans as unaccounted for POWs after the exchange of the DRV/Laos list. This number was reduced by one with the return of Captain Robert White, who was not on the Paris lists, but was repatriated alive on April 1, 1973. This left 79 on the DIA list, 67 military and 12 civilians. At the same time, DoD listed only 53 servicemen as POWs; two of these were considered MIA by DIA. Both were later found, to have been captured and to have died in captivity. Of DIA's 67 military, one was a deserter not carried by DoD as a casualty; the remaining 16 were servicemen last known alive on the ground, but not confirmed in captivity. With one exception, DIA changed its listing to conform to services' listings within six months of the end of Operation Homecoming. The exception was U.S. Navy Commander Harley H. Hall, whose plane had been shot down only hours before the signing of the Paris Peace Accords. The Navy's listing of Commander Hall was subsequently changed to POW.

Information from returned POWs

American POWs from Southeast Asia returned in four major groups from February 12 through March 28, 1973. DoD reported that 566 servicemen returned, including 513 of the 591 listed by DoD as POWs, and 53 others DoD carried as missing. Twenty-five American civilians also returned.

The returned prisoners were initially interviewed at Clark Air Force Base in the Philippines. One of the primary objectives of the debriefing process was to obtain information about the fate of other Americans known to both military and civilian returnees. For more information about the debriefing process, see chapter five.

The debriefings produced information that some unaccounted for servicemen had been alive in captivity at one point, although many of the individuals were believed by the returnees to have subsequently died. By early April, the Homecoming Center at Clark Air Force Base reported that returned POWs had provided information on 156 servicemen who "may have died in captivity."¹⁹⁷

The Committee located documentary evidence that DIA kept files of information it received from the debriefing of returning

¹⁹⁷ Homecoming Center message, April, 1973.

POWs.¹⁹⁸ The files indicate, for example, that information about an unaccounted-for POW or MIA would be transmitted to the service debriefers in order to obtain corroboration or denial from other former POWs. However, the Committee was unable to locate any compilation of records confirming that this was done in every case.

The Committee also failed to locate any plan for updating DIA's database in response to the debriefings.

As mentioned above, the DIA often had acted on evidence of captivity to categorize servicemen and civilians as prisoners well before the service casualty review boards acted. During Operation Homecoming, however, DIA policy appeared to change. Instead of acting on evidence from the debriefings about a missing American's capture and death, DIA began waiting for the service's to officially change his status. The Committee was not able to locate any documents explaining the basis for this change in approach. For additional information concerning Operation Homecoming, please see Chapter 5.

POST-HOMECOMING ACCOUNTABILITY: APRIL 1973-APRIL 1975

At the end of Operation Homecoming, 591 American POWs had returned, 566 military and 25 civilians (including the 10 who were on the DRV/Laos list). Testimony of DIA and DOD officials involved in the accounting process at the time, and archival DIA documents, convey disappointment and frustration over the unexpectedly low number of returnees and the outcome of returnee debriefings.

In June 1992, Gen. Eugene F. Tighe, Jr. (USAF, Ret.), who directed the CINCPAC effort to produce a list of expected returnees prior to Operation Homecoming, testified about his reaction at the time to the enemy lists:

My personal view was shock because I had a great deal of faith in the approximate numbers of those lists that we had compiled . . . and my reaction was that there was something radically wrong with the lists versus our information, that they should have contained many more names. That was my personal judgment and that was a collective judgment of all those that had worked compiling the lists.¹⁹⁹

Similarly, Dr. Roger Shields, DoD's Deputy Secretary for International Economic and POW/MIA Affairs from 1971 to 1977, told the Committee:

We knew immediately upon receiving this list of those to be repatriated and those said to have died in captivity, that men whom we knew had, at one time, been alive and in captivity were omitted from the list altogether. After debriefing those who returned, we knew also that the names of some men who may have died in captivity were also not on the lists.²⁰⁰

¹⁹⁸ HOMECOMING Intelligence Center (HOMIC) (DI-6) Incoming Message Log, February-April 1973.

¹⁹⁹ Hearing, Senate Select Committee on POW/MIA Affairs, 25 June 1992, p. 158.

²⁰⁰ Ibid., p. 7.

In his testimony, Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff from 1971-1975, stated:

I expected the interrogation of the POW's that were released to reveal some information on the POW's that were still held in the immediate vicinity of Hanoi. I also hoped that factual information would be developed as to the existence of POW's in outside areas of North Vietnam . . . the returnees added very little to the information on hand.²⁰¹

A DIA memo, prepared in early April 1973, summed up the agency's view in the immediate aftermath of Operation Homecoming:

There has been no progress in obtaining the release of, or an accounting for, US personnel captured/lost in Laos or Cambodia. There has been no progress in obtaining information from the DRV or PRG on US personnel (last known alive in captivity and) not released (or accounted for). . . With Operation Homecoming essentially complete, it is anticipated that efforts will be directed toward achieving some results in these areas.²⁰²

Efforts to obtain a better accounting of missing Americans continued in Southeast Asia after Operation Homecoming was concluded.

The mission of the Joint Casualty Resolution Center (JCRC), activated in January 1973, was to search for, recover and identify, dead and missing U.S. personnel in Southeast Asia. JCRC's assignment did not include investigating the possibility that live Americans were held against their will in the area after Operation Homecoming, although they did receive reports suggesting that unidentified U.S. POWs were still alive. Additionally, JCRC remains recovery operations were limited to areas under friendly control in South Vietnam. Active JCRC investigations in these areas continued until December 15, 1973, when one of its teams was ambushed at a site and an American, serviceman was killed. With the virtual cessation of JCRC's field efforts after this incident, the JCRC was essentially going through the motions with little or no success, according to its Deputy Commander, Col. Eugene Hollis.²⁰³

In the months immediately following Operation Homecoming, DIA continued to adjust its accounting lists. On April 13, 1973, the DIA submitted its last weekly memorandum to the Secretary of Defense and the JCS concerning the prisoner debriefings. The report indicated that the returnees had provided information indicating the possible death of 46 of the Americans who had been listed as POW and 110 of those listed as MIA.

On April 16, 1973, the DIA adjusted its intelligence requirements for July-December 1973 to include information on the "approximately" 1,357 Americans "thus far unaccounted for, who may be Prisoners of War, the location and defense of their PW camps, and

²⁰¹ Hearing, Senate Select Committee on POW/MIA Affairs, 24 June 1992, pp. 150-151.

²⁰² DIA Memo, undated circa 1 Apr 73, Subject: PW Debriefing Since Mid-March 1973.

²⁰³ Select Committee deposition of Col. Eugene Hollis, March, 1992.

a resolution of the status of personnel officially listed as missing-in-action." ²⁰⁴

In late April, 1973, Dr. Roger Shields, who served as head of the POW/MIA Task Force with the Department of Defense, met with representatives of the service Secretaries. The outcome of that meeting was a goal of resolving within six to eight months the status of all armed services personnel not returned to American control. In Cambodia or Laos, a resolution would await the negotiation of peace agreements in those countries. ²⁰⁵

On May 18, 1973, the DIA listed "65 prisoners of war not accounted for on any enemy lists" and "1,238 personnel missing in action not accounted for on any enemy lists." ²⁰⁶

In a report to Deputy Secretary of Defense Clements on May 22, 1973, DIA noted that 1,303 persons were still officially unaccounted for, not including 27 reported by the DRG/PRG as having died in captivity whose remains had not been recovered. Returnee debriefs indicated that approximately 100 of these 1,303 were "probably dead"; at the time the status of approximately 70 of those was being changed from POW or MIA to KIA/BNR. ²⁰⁷

On May 24, 1973, Dr. Roger Shields wrote in a memorandum to his superiors that "we have over 1300 unaccounted for, and this means that we have no information to show conclusively that a man is either alive or dead." ²⁰⁸

By June 30, 1973, the DOD Comptroller's Office was still listing by name 67 U.S. military personnel as "Hostile Captured." Only two POWs had Laos as the country of casualty, although there were more than 300 servicemen missing there.

As of early July 1973, 142 Americans previously listed as missing or POW had been declared dead based on a PFOD; 9 had been reported to have died in captivity.

Live Americans

At the end of Operation Homecoming, DIA continued to carry individuals in the POW category. However, statements by DoD officials at the time, and in testimony before the Committee suggest that DIA was agnostic about the chance that any unreturned POWs had survived. In an April 12, 1973 press conference, Dr. Shields stated that, "We have no indications at this time that there are any Americans alive in Indochina." In testimony before the Committee, Dr. Shields commented about that April 12, 1973 statement:

My statement was about current information. There were questions . . . We had questions about the status of Americans. Did we leave anyone there? And did we know so we could go get them? The answer to that was we did not know at that time about any man that we could put our finger on and say he was there. We carried some indi-

²⁰⁴ DIA Memo, S-041/DI-IC, 16 April 1973, Subject: Critical Near-Term Defense Intelligence Objectives July-December 1973.

²⁰⁵ Memorandum C-3, 579/DI-6C, 24 May 1973, Subject: Trip Report.

²⁰⁶ DIA Casualty Data Summary, May, 18, 1973.

²⁰⁷ Memorandum S-3,567/DI-6, 22 May 1973, Subject: U.S. Personnel Unaccounted for After Operation Homecoming.

²⁰⁸ Memorandum from Dr. Shields to Ambassador Hill, May 24, 1973.

viduals as prisoners. My statement here was echoed many times. Official Defense Department policy was that there was an open question. We did not know whether they were alive or dead.²⁰⁹

Dr. Shields stated further:

The issue at the time the men came home was one where we had Article 8(b), providing for a full accounting of the missing. Now, the missing at that time were the people who had not been repatriated, who were carried as MIA because we did not know, carried as prisoner of war because we hoped and had reason to believe that they were prisoners of war, but did not come home either.²¹⁰

Commander Charles Trowbridge, Director of DIA's POW/MIA Office, since 1972, told the Committee that "... we had no current information at the time where we could go and put our hands on some individual that was alive at that time."²¹¹ Brig. Gen. Robert Kingston, first head of the JCRC, testified that he did not recall any "hard evidence" that Americans were being held, alive at that time.²¹² Frank Sieverts, the State Department's Chief Official for POW/MIA Affairs before, and after Operation Homecoming expressed a similar view: "I don't think we had any indications of Americans in captivity."²¹³

In the wake of Operation Homecoming, DoDs official position, as affirmed by Dr. Shields, was that it did not know whether those unaccounted for were alive or dead. State Department representatives, on the other hand, claim to have taken a somewhat different approach in diplomatic discussions, especially with the Pathet Lao. Mr. Sieverts discussed the Department's approach during an exchange with Senator McCain at the Committee's June 25, 1992 hearing:

Mr. SIEVERTS. Our approach during that entire period was to present information in a positive spirit through the channels that were available pursuant to the Paris agreement and, to the extent that it was possible, and it was not at all easy, to do so in Laos, as well. At every opportunity, we would shade the interpretation of cases and lists in a favorable direction.

Senator MCCAIN. What do you mean by favorable?

Mr. SIEVERTS. In the direction of saying we know you have more information. This is a list of prisoners . . .

Senator MCCAIN. You were assuming they were alive?

Mr. SIEVERTS. For the very purpose the committee is concerned about, we were going on that assumption. The difficulty was that at the same time if you overstated that assumption for a domestic audience you would create what was clearly an exaggerated and possibly an entirely false hope among families, among many thousands of Ameri-

²⁰⁹ Hearing, Senate Select Committee on POW/MIA affairs, June 25, 1992.

²¹⁰ Ibid.

²¹¹ Ibid.

²¹² Ibid.

²¹³ Ibid.

cans who were needing to deal, suddenly with the reality and the grief that their men weren't coming back.²¹⁴

Status reviews

Instructions in June 1973 permitted the JCRC to recommend that an MIA be recorded as "dead-remains not recoverable" when no remains were locatable at the loss location. At that point, the Services convened casualty review boards in accordance with the Missing Persons Act to review the status of all those who remained in the MIA or "captured" category and began making PFODs about those listed as MIAs and POWs.

Reviews were halted in August 1973 because of litigation by MIA families over provisions of the Missing Persons Act. A New York federal court injunction prohibited casualty status changes without the approval of next-of-kin until 1977. At that time, the review process resumed with next-of-kin present at the deliberations. Meanwhile, in response to the lawsuit in 1973, the Deputy Secretary of Defense instructed the Service Secretaries to take an active and personal role in the status determination process.

The subject of status review is covered in more detail in chapter two, dealing with the Paris Peace Accords.

Shifts in intelligence priorities

As Operation Homecoming was drawing to a finish, DIA's intelligence collection priorities began to shift. The Committee's investigation uncovered evidence that DIA's efforts to gather intelligence for the purpose of accounting for missing Americans diminished substantially after the Paris Peace Accords were signed.

On March 13, 1973, the DIA's POW/MIA Branch ordered the end of requirements to collect intelligence on U.S. prisoners held by the People's Republic of China; the rationale was that all prisoners held by China had been, or were being, released.²¹⁵ By deleting this area of informational need, the DIA eliminated the authority for human intelligence operations relating to China and U.S. POW/MIAs. This decision was questionable given the evidence that there were large numbers of Chinese troops inside the northern provinces of North Vietnam during the war, and that this was an area in which a number of U.S. aircraft, with unaccounted for pilots, were shot down. There is also evidence that Chinese military advisers served at the division level with Viet Cong forces in South Vietnam.

On March 27, 1973, the DIA reviewed its need for continued weekly overhead imagery of known or suspected POW camps in North Vietnam. All but three prisons in the immediate Hanoi area, Hoa Lo, Cu Loc, and the Citadel, were dropped to an inactive readout exploitation priority. The remaining three prisons were downgraded to semi-annual coverage. The POW/MIA Branch felt that if a readout was desirable, it could initiate imagery coverage on a one-time basis.²¹⁶

²¹⁴ Ibid., pp. 49-50.

²¹⁵ DIA/DI-6C Memorandum to DI-6X, 13 March 1973, Subject: Revision of IPC List 362-675-773-401.

²¹⁶ DI Action Control Form, 27 Mar 73.

On April 17, 1973, the DIA reassigned most of its POW/MIA personnel to strategic arms limitation and Soviet missile intelligence related areas. The POW/MIA branch was informed that:

... As the POW-MIA project is brought to a conclusion, a new manpower survey of DI-6 [will] be conducted near the end of 1973 to determine residual requirements in this area.²¹⁷

In June 1973, the Chief of Naval Operations dismantled the office of the Special Assistant to the Chief of Naval Operations for POW/MIA Matters.²¹⁸ In addition, the JCS 10-year operations plan was revised in 1973, in consultation with the DIA, to cover the 1973-1982 period. In the plan, POW intelligence, and evasion and escape were priorities 49 and 56, respectively. These "priorities" followed sociological data (priority 16), exploitation of physical environment (priority 46) and civil defense (priority 48).

In August 1974, overhead imagery coverage of POW camps in North Vietnam was moved to the lowest annual coverage priority.²¹⁹ Three months later, the decision was made to terminate the Prisoner of War Intelligence Task Force.²²⁰

Throughout this period, efforts to collect human and signals intelligence began to diminish, although some reports were received. After Operation Homecoming, the Army's 500th Military Intelligence Group and an Air Force Air Intelligence Group were the primary intelligence-collection resources left in Southeast Asia. Both supplemented the Defense Attache Office in Saigon with professional agent handlers and intelligence staffs collecting information from South Vietnamese counterparts. Both groups were based in Bangkok, Thailand, and also conducted operations in Cambodia, Laos, and China.

However, in 1974, at the direction of the U.S. Ambassador in Bangkok, all military agent operations from the Thailand base were put on hold; no new operations could be developed. Following the dismantling of the U.S. Army's Pacific Command that year, all HUMINT operations in Southeast Asia relied on support and approval from Washington.

The available record indicates that military HUMINT operations in the region declined dramatically after 1975 and were terminated by 1977.²²¹

Disposition of records

On January 31, 1974, the Army's 22nd Detachment began to be dismantled. Its casualty files were transferred to the individual services and its non-casualty records transferred to the National Archives.²²² The Army had hoped to be able to write a history of its Operation Homecoming activities but this was disapproved by

²¹⁷ Memo From DI-6, C-369/DI-1B, 17 April 1973, Subject: CC Manpower Survey.

²¹⁸ Letters, Chief of Naval Operations, 26 & 28 June 1973.

²¹⁹ Memorandum For Record, 19 August 1974, Subject: ((Deleted)) Coverage of PW Camps in North Vietnam.

²²⁰ Memorandum—1613/DI-6, 26 Nov 1974, Subject: Interagency Committees.

²²¹ Command Histories 500th Military Intelligence Group, 1967-1977.

²²² Adjutant General Letter of Instruction to the Provost Marshall General's Office, 31 Jan 74.

the Army's Secretary of the General Staff, General Stilwell.²²³ In the fall of 1974, the Air Force Intelligence staff records associated with the POW/MIA issue were apparently transferred to the 7602nd Air Intelligence Group and, are today in the archival files of JSSA. In 1975, the U.S. Navy's compartmented POW/MIA files were partially destroyed.

POST-WAR ACCOUNTABILITY: APRIL 1975-PRESENT

Accounting efforts

In 1975, communist forces seized full control of governments in Vietnam, Cambodia, and Laos. The fall of the U.S.-allied governments in Indochina precluded any further on-site excavations by the Joint Casualty Resolution Center.

It also led to an enormous outflow of refugees from these three countries, particularly in 1977 and 1978. Refugees were regularly debriefed by U.S. officials, and refugee reports became an important source of information in the POW/MIA accounting process. In 1978, at the request of POW/MIA family organizations, the United States began putting up posters in refugee camps notifying refugees of the U.S. desire to obtain information about missing Americans. These outreach efforts have led to a steady flow of reports over the years.

The fall of Saigon in April, 1975 led to the severance of diplomatic relations with Vietnam and an extension of the U.S. trade embargo to the entire country. During the next three years, U.S. efforts to gain information about missing Americans were focused on refugee debriefs and high-level diplomatic discussions with the Vietnamese. Although no breakthroughs occurred, these discussions did lead to the resolution of a substantial number of cases through the return of remains.

Shortly after taking office in 1977, President Jimmy Carter appointed a Commission, headed by United Auto Workers President Leonard Woodcock, to visit Southeast Asia in an effort to obtain POW/MIA-related information. A Defense Department briefing provided to the Woodcock Commission in March 1977, provides a useful snapshot of the accounting process at that point in time.

According to Dr. Roger Shields, who briefed the Commission, DoD listed 2,546 Americans including 41 civilians, as prisoners, missing, or as dead/body not recovered. Dr. Shields told Commission members that 758 military personnel were being carried on the books as POWs or "missing" but that the distinction between the terms was "probably academic." Shields went on to say that:

We have no evidence to indicate that any American servicemen are being held as prisoners in Southeast Asia, but whether a man is alive or dead does not relieve us of the responsibility to seek an accounting for him. We want the fullest possible accounting for the entire 2,546 and, where possible, we want the remains of our dead returned. We cannot attain this goal without complete cooperation by the Vietnamese . . . We do not expect them to have

²²³ Office of the Provost Marshall General, June 1970, Input to Army Chief of Staff Memo 70-198, 8 Jun 70, with coordination notes.

knowledge of every one of our missing, but we do want to know what they do have.²²⁴

Dr. Shields walked the Commission through the five categories that DIA had established to determine which men the Vietnamese and Lao should know about. The categories consisted of: (1) confirmed knowledge, (2) suspected knowledge, (3) doubtful knowledge, (4) unknown knowledge, and (5) a category for those who were known to be dead but whose remains were not recoverable.

DIA listed 179 in category 1, 1160 in category 2, 344 in category 3, 428 in category 4, and 436 in category 5.²²⁵ Dr. Shields told the Commission that it would be reasonable to expect an accounting for all those in the first two categories, that is 1,339 men out of the total of 2,546.²²⁶ He also indicated that American teams needed to be on the ground to do the accounting job "properly".²²⁷

Carter administration policies

During the late 1970's, the efforts by the U.S. Government actively to seek and evaluate POW/MIA information was hardly evident to the public. This led to severe criticism, especially by the National League of Families of American Prisoners and Missing in Southeast Asia.

Although the remains of more than 40 Americans were repatriated in 1977 and 1978, the Carter Administration's efforts to gain POW/MIA information through improved relations with Vietnam collapsed following the Vietnamese invasion of Cambodia in late 1978 and early 1979. Moreover, efforts to gain POW/MIA information from Laos during this period were virtually non-existent and no information was obtained.

The National League of Families commented:

In 1979 and 1980, no remains were returned government to government and no negotiations of substance occurred. During the 1970's, the POW/MIA branch at the Defense Intelligence Agency was slowly being put out of business, as was Central Intelligence Agency capability and focus on Southeast Asia. The government had written off the possibility of anyone being alive, and our missing family members were being presumptively declared dead.

NSC memoranda during this period, shed additional light on the extent of the U.S. Government's accounting efforts. For instance, following the return of Marine Corps PFC Robert Garwood in 1979, an NSC staffer wrote:

It would be politically wise for the President to indicate his continued concerns with the MIAs . . . since the Administration had implied earlier that it believed Vietnamese assurances that there were no Americans left behind in Hanoi.²²⁸

²²⁴ Transcript, Briefing of Woodcock Commission by Dr. Roger Shields, p. 2.

²²⁵ Ibid., p. 7.

²²⁶ Ibid., p. 13.

²²⁷ Ibid.

²²⁸ Memorandum from Dr. Michael Oksenberg, March 12, 1979.

In April, 1979, National Security Adviser Zbigniew Brzezinski advised President Carter that:

The National League of Families remain convinced that live American POWs remain in Vietnam. They also believe you are not being adequately informed and that the bureaucracy is not pursuing the matter aggressively . . . This case has little merit.²²⁹

By the last year of the Carter Administration, an NSC staffer reported that the National League of Families had "nothing new to say". However, the official advised Dr. Brzezinski that it was:

important to indicate you take recent refugee sightings of Americans seriously. This is simply good politics; DIA and State are playing this game, and you should not be the whistleblower. The idea is to say the President is determined to pursue any lead concerning possible live MIAs. Do not offer an opinion as to whether these leads are realistic.²³⁰

Reagan administration efforts

Efforts to re-open dialogue on POW/MIA matters with Laos and Cambodia began following President Reagan's election in 1981. Simultaneous efforts were made to develop intelligence information on possible live American POWs.

In early 1981, the U.S. Government attempted to confirm evidence that Americans were held in Laos, although the results were inconclusive. Also in 1981, two Congressmen, Bill Hendon and John LeBoutillier, traveled to Laos with the support of the Administration to try to find a way to establish a dialogue on POW/MIA issues.

According to the National League of Families:

Mr. Hendon was primarily involved in efforts with the Lao to move forward the level of cooperation on accountability for nearly 600 Americans still unaccounted for in that country. Toward that objective, he and former Representative John LeBoutillier were instrumental in gaining executive branch agreement to provide, in 1981, medical disaster relief to a hospital in Vientiane, Laos. This step, paved the way for cooperative acceptance of the League's delegation in 1982, a visit which was termed a "significant breakthrough" by the State Department, soon followed up by high level discussions to gain further cooperation. The resultant crash site visit was the first of its kind and led to the official survey and subsequent joint excavation at Pakse, conducted in February, 1985. . . .²³¹

During President Reagan's first term, significant efforts were also made to improve POW/MIA cooperation in Vietnam, through several high-level trips to Hanoi. For the first time, the National League of Families was also included in these diplomatic efforts. A

²²⁹ Memorandum for the President, NSC, April 18, 1979.

²³⁰ Memorandum from Dr. Oksenberg, January 21, 1980.

²³¹ League of Families Report, 1985.

key step occurred in January 1987, when the President appointed Gen. John Vessey (USA, Ret.) as his Special Emissary to Vietnam on POW/MIA Affairs. This appointment followed a private trip to Hanoi earlier that year by Mr. Ross Perot, during which the Vietnamese indicated a willingness to accept a President Emissary on POW/MIA matters.

Gen. Vessey's overall goal has been to obtain the "fullest possible accounting" for all Americans missing from the war in Vietnam. Delegations led by Gen. Vessey, along with visits to Southeast Asia by members of the Select Committee, have resulted in significant improvements in cooperation on the part of the Vietnamese. This is discussed in detail in Chapter 8.

Gen. Vessey's efforts have been supplemented and enhanced by the Joint Task Force-Full Accounting (JTF-FA), which was established on January 23, 1992 under the direction of CINCPAC. The successor to the JCRC, JTF-FA is involved in the full range of POW/MIA operations and its first priority is to investigate live-sighting reports and discrepancy cases. The JTF-FA has Vietnam-based, Bangkok-based and Hawaii-based search teams which conduct intensive 30-day investigations and began conducting remains recovery operations in Vietnam in April 1992. JTF-FA personnel interview Vietnamese officials and citizens, survey and excavate crash sites and graves, and examine archival records provided by the Vietnamese. Similar operations occur in Laos and Cambodia.

By the end of October 1992, JTF-FA had completed 217 live-sighting investigations (186 in Vietnam, 18 in Laos, and 13 in Cambodia); 114 inspections of crash or grave sites (88 in Vietnam, 23 in Laos, and 3 in Cambodia); and 30 excavations of crash or grave sites. It recovered remains (15 sets in Vietnam, 8 in Laos, and 7 in Cambodia). Twenty-two sets of remains had been recovered (14 from Vietnam, 3 from Laos, and 5 from Cambodia) and ten sets of remains (7 from Vietnam, 1 from Laos, and 2 from Cambodia) had been returned voluntarily. Eight sets of remains (4 from Vietnam, 4 from Cambodia) had been identified with another 151 pending identification.

JTF-FA reported receiving, between January 1 and October 30, 1992, 65 first-hand live-sighting reports, 51 in Vietnam, five in Laos, and nine in Cambodia. JTF-FA conducted 38 investigations of live sighting reports, some advance-notice and others upon immediate request of the host officials, during this period. In all, 113 live sighting reports have been investigated and resolved; 85 more remain unresolved. JTF-FA has found no evidence to date to suggest that any Americans who was last known alive is alive today.

The Committee notes that JTF-FA efforts are in cooperation with DIA's Stony Beach team and augmented by forensic experts and anthropologists from the U.S. Army's Central Identification Laboratory in Hawaii.

Statistics alone do not convey the magnitude of the JTF-FA effort or the commitment of those involved in it. In testimony before the Committee, William Gadoury, an investigator for the Task Force's team in Laos, described its operations in detail. The Task Force has 44 priority cases in Laos—three of these are individuals who were once POWs and the rest were last known alive there. Because of the terrain in Laos, excavations are particularly

difficult. Mr. Gadoury described one of the team's recent excavations in an exchange with Senator Kerry at the Committee's December 4, 1992 hearing:

Mr. GADOURY. . . . this particular excavation was one of the more challenging ones we've had. It was on a remote mountain-top location. We had to set up a base camp approximately 30 kilometers away because we had no access by road to an area near the crash site. We ended up lying by the helicopter every morning [so we could] at first light get the teams up there, conducting the excavation during the day with villagers who would walk up from the nearby village and work with us, and then we would fly back in the evening.

While this was going on, we had a smaller investigation which would go off in separate directions during the day with our Lao counterparts to investigate a number of discrepancy cases that we had. And with the time we had available, we were pretty successful.

Senator KERRY. You literally had to cut a little landing place in the mountain, correct?

Mr. GADOURY. That's correct.

Senator KERRY. And you spent how many days up there in what kind of heat?

Mr. GADOURY. I believe it was 28 days. It gets pretty warm in Laos, especially in the jungle. It's hot, humid weather; difficult working conditions.

Senator KERRY. What did you find?

Mr. GADOURY. In terms of—

Senator KERRY. What did you pull out of this crash site?

Mr. GADOURY. The aircraft involved was an AV/OV-2, which crashed into the side of a mountain. It's scattered over a large area . . . I don't recall the exact dimensions, but it was over 100 meters wide, and probably about the same distance going from the bottom of the slope up a 60 degree slope to the top. And there was a wide distribution of wreckage. As we started going, meticulously following the Identification Laboratory's excavation procedures from the bottom to the top—

Senator KERRY. So, you literally began to sift through soil, right?

Mr. GADOURY. Right.

Senator KERRY. You would sift through soil, and you would clean it out, and you would find fragments of bone; you find fragments of teeth.

Mr. GADOURY. On this last situation, we were not able to finish the site, but we found over 300 bone fragments, and a number of teeth and quite a few personal effects and personal equipment.

Senator KERRY. How does this affect you, to do that?

Mr. GADOURY. Well, obviously it's work that's important to be done. The people on the team are all dedicated. It's satisfying to get the results after we've worked so hard to get the team in place and get the work done.

Senator KERRY. Well, I mean, on a personal level, though as a soldier, it can't be very pleasant sifting through remains.

Mr. GADOURY. No. One example is, we found a lady's high school class ring. Obviously, there were no women on board, but it was probably being carried by someone on the aircraft. You find something like that, and obviously it brings back the personal nature of the work that we're doing.

Senator KERRY. The reason, obviously, I ask this is that, you know, we've been sitting here, for a year, and people come to the table here and say, we're not doing enough, and we're not doing this or that, and here we've got guys like you, Bill Bell (Negotiations Assistance Officer, JTF-FA) . . . Bill, how many years have you been at this?

Mr. BELL. Off and on, about 27 years I think.²³²

Redefining "unaccounted for"

In the two years following Operation Homecoming, the services, DI-11, and DIA continued to maintain statistics on Americans missing in Southeast Asia. In March 1973, DIOR also began to keep files on each individual serviceman in its database. In early 1975, DIOR started to record statistics of those servicemen who had died with bodies not recovered (Died/BNR).

At the end of 1975, DIA also began to seek information and keep statistics on those who had died but whose bodies were not recovered. Notwithstanding the drop in national priority for POW-related intelligence, DIA expanded its area of responsibility by adding to the appropriate national intelligence priority a need to obtain ". . . information concerning . . . killed in action whose bodies have not been recovered . . ." ²³³ This action coincided with DIA's decision to include Americans considered KIA/BNR in its public discussions of those who were "unaccounted for."

By 1980, due to litigation initiated by the POW/MIA families and Congressional pressure, the DOD included all those initially categorized as POW or MIA (but presumed dead administratively) and all those originally categorized as KIA/BNR in their total of Americans missing or otherwise unaccounted for in Southeast Asia. This decision to include KIA/BNR in the definition of "unaccounted for" resulted in a dramatic increase in the number of those unaccounted for and led to confusion about the number of individuals whose fate really is in doubt. However, the Committee notes that accountability, including the return of remains, has occurred on some cases that were originally categorized as KIA/BNR. This reinforces the fact that U.S. categories were not always complete, and did not necessarily contain information that could be obtained from Vietnam.

By December 2, 1980, DIA carried 2,500 that it called unaccounted for, more than at any time during or after the war. In 1977, the services resumed their process of reviewing the status of those listed as MIAs or POWS. By 1982, a PFOD had been issued for all

²³² Hearing, Senate Select Committee on POW/MIA Affairs, December 4, 1992.

²³³ Memorandum, S-9253/DIR-4H, Subject: Update of DCID 1/2, 4 Dec 1975.

who remained unaccounted for, except Colonel Charles Shelton, a pilot shot down in Laos. Today, DIOR carries Colonel Shelton as the only POW and 2263 others as Died/BNR or "missing" for a total of 2,264 Americans unaccounted-for in Southeast Asia.

Laos: The DIA view

The fate of Americans lost in Laos has been a source on continued controversy. According to DIA, of the 1,200 airmen shot down in Laos during the war, 61 percent were rescued. Another 62 men were accounted for by the release of U.S. POWs and the post-war repatriation of remains. To date, 519 of the 1200 lost in Laos remain unaccounted for. Of these, 189 were declared killed in action by their service commanders at the time of their loss but since the bodies of these 189 have not been recovered, they continue to be listed as "unaccounted for". The remaining 330 servicemen were declared MIA because there was not enough information during the war to determine their fate. Subsequent investigations by DIA suggest that some of these men were also killed in action.

DIA believes it unlikely that POWs were left behind in Laos for several reasons. First, the rescue rate for men lost over Laos, 61 percent, was substantially higher than the rate for those shot down over North Vietnam, 45 percent. Second, intelligence indicates that after 1968 or 1969, all prisoners captured in Laos were turned over to the North Vietnamese, regardless of where they were captured. DIA can confirm only 16 POWs were captured by the Pathet Lao during the war; this is less than 2 percent of the number missing in Laos. Of the 16, one was immediately turned over to the North Vietnamese; six were subsequently released; two escaped; and seven remain unaccounted for.

The fact that all the confirmed Pathet Lao prisoners were captured before, 1966, or after the war ended, is further indication, in DIA's view, that it is unlikely that men were left behind in Laos. Few losses occurred in Pathet Lao-held territory after 1966 because U.S. operations concentrated on the Ho Chi Minh trail. In addition, by the late 1960s it became apparent that the Pathet Lao did not have the capability to care for captured U.S. prisoners and thus the Pathet Lao were called upon by communist regimes in the region to turn all U.S. prisoners over to the Vietnamese, regardless of where they were captured or by whom. DIA also argues that only 160 of the live sighting reports received to date relate to Laos and that fewer than 10 of these remain unresolved. Finally, DIA maintains that interviews of sources who saw American POWs in caves and ad-hoc detention facilities in Laos affirm that there were no Americans in these areas after the war.

DIA's views were supported by the testimony of William Gaudoury, a former JCRC official and now a member of the JTF-FA team in Laos:

. . . I have talked to hundreds and probably thousands of refugees, Lao refugees predominantly, in the camps and they include low land refugees, Hmong, hill tribes people from all over Laos, from North to South. I have not received any credible reports of live Americans after 1973

with the exception of Emmett Kay [who was returned in 1974].

On the other hand, it's been brought up, many times. It's hard to prove a negative. But there's nothing that I have seen from my interviews with refugees, from my field activities, that has indicated that anyone remains alive.²³⁴

Discrepancy cases

Since before the war ended, U.S. officials have focused special attention on a relatively small number of Americans who were either known to have been taken captive, or who were lost in circumstances under which survival was deemed likely or at least reasonably possible. The first major attempt to press the case of these Americans resulted from the release in December 1970 of a supposedly comprehensive list of U.S. POWs held by the North Vietnamese.

On January 20, 1972, a document containing the summaries of 14 cases of U.S. military personnel who were not on the December 1970 list was presented to North Vietnamese officials in Paris. When no response to the document was received, Secretary of Defense Melvin Laird decided to dramatize the issue by holding a press conference. During the March 1972 press conference, Secretary Laird said, "All 14 men were known to be alive, on the ground in North Vietnam, or were at one time actually identified by the North Vietnamese as having been captured."²³⁵

Although the United States did not have firm information in each case that the individual had been taken prisoner, Administration officials believed strongly that the North Vietnamese should at least have information about whether or not the missing American was alive or dead. At his press conference, Secretary Laird was surrounded by large poster boards containing photographs of the missing Americans and, beneath each, the logo: "Hanoi refuses to disclose the fate of this man."

The "last known alive" cases arose again at the time of Operation Homecoming. The U.S. Government identified 87 individual cases to be raised specifically with the North Vietnamese; most were thought to have survived their incidents, some were known to have been taken into captivity, and none was included on the POW or "died in captivity" lists released when the Peace Agreement was signed. During his visit to North Vietnam in February 1973, Dr. Henry Kissinger presented 19 of these case files to the North Vietnamese, and the remaining cases were presented soon thereafter.

During the period after the war, the list of cases of special concern was modified by several factors. In some instances, cases were resolved through the repatriation of remains. This was true, for example, with respect to nine of the 14 on the original "Laird list." Meanwhile, additional analysis of intelligence prompted other cases to be added to the list of those "last known alive."

As discussed above, in his February 1977 briefing of members of the Woodcock Commission, Dr. Shields explained that DoD had established five categories for missing Americans, ranging from those

²³⁴ Hearing, Senate Select Committee on POW/MIA Affairs, December 4, 1992.

²³⁵ Sec. of Defense Melvin Laird, Pentagon Press Conference, March 30, 1972.

about whom DoD was sure Vietnam could provide information to those about whom DoD had no reason to believe Vietnam could provide information. A separate category contained the names of individuals known to have died whose remains were not recoverable.

At the time of the Woodcock Commission briefing, 179 Americans were listed in category 1 by DoD. Among those in the first category (confirmed knowledge) was Navy Lieutenant Ronald Dodge. Lt. Dodge was shot down on May 17, 1967 in North Vietnam. Evidence that Lt. Dodge was captured included a photograph of him in captivity that appeared in a 1967 edition of *Paris Match* magazine. (The remains of Lt. Dodge were repatriated, without explanation, in 1981.)

Priority attention to cases of Americans "last known alive" or thought possibly to have survived was the goal of the Reagan Administration throughout its negotiations with Vietnam and some of these cases were, in fact, resolved through the repatriation of remains between 1982 and 1986.

One of General Vessey's top goals as the President's Emissary to Vietnam, was to obtain agreement from Vietnamese officials to permit in-country investigations by the U.S. Government of high-priority "discrepancy cases." According to DIA:

There are three categories of discrepancy cases:

1. individuals who were carried as POWs by their respective services during the war, but did not return during Operation Homecoming;
2. individuals who were known or suspected to have survived their loss incidents and might have been taken prisoner; and
3. other cases in which intelligence indicates the Indochinese Government may have known the fate of a missing man.²³⁶

According to testimony to the Select Committee in December 1992, the DIA and DoDs JTF-FA have identified 305 discrepancy cases; 196 in Vietnam, 90 in Laos, and 19 in Cambodia. In 61 of the Vietnam cases, the fate of the individual has been determined through investigation, leaving 135 cases unresolved. The first round of investigation of all 135 is expected to be completed in January 1993. A second round which will proceed geographically by district, will commence in February.

Because of the number of Americans lost in areas of Laos and Cambodia controlled at the time by North Vietnamese forces, resolution of the majority of cases in those countries will depend on a process of tripartite cooperation that has barely begun. The Committee notes its strong recommendation in its Executive Summary that the U.S. pursue tripartite meetings with Laos and Vietnam.

The vice chairman's list

On December 1, 1992, the Committee's Vice-Chairman, Senator Robert Smith, released a "working" list of 324 still listed as official-

²³⁶ Memorandum, Defense Intelligence Agency Background Paper on Laos and the "Black Hole" Theory, undated, provided to the Select Committee in December, 1992, p. 4.

ly unaccounted-for. The Vice-Chairman described the list as follows during the Committees hearing on that date:

Approximately 300 of these personnel were last known alive in captivity in Vietnam and Laos, last known alive, out of their aircraft before it crashed, or their names were passed to POWs who later returned. A handful of the cases involve incidents where the aircraft was later found on the ground with no sign of the crew. This listing is based on all-source U.S. intelligence and casualty reports, lists of POWs and/or last known alive personnel prepared by the Defense Intelligence Agency, and other information made available to the Vice-Chairman . . . ²³⁷

Senator Smith further stated that the listing was based on information and lists he had reviewed from the DIA, NSA, JTF-FA, and from a dated Air Force summary of POW debriefs conducted in 1973, and on other information.

The Vice-Chairman added his view that, given the large number of MIAs at the end of the war, it was probable that MIAs not on his listing could have survived their incident without the U.S. Government being aware of that fact. Therefore, Senator Smith stated that his list was "at best, conservative."

On December 4, 1992, the DIA provided a response to the list prepared by Senator Smith in testimony by Robert Sheetz. According to the DIA:

The office of Senator Bob Smith based its list on several factors, some of which are indeed valid indicators of possible survival of the incident, capture and captivity. Others, however, are based on incomplete, out of date, or inaccurate information, or on data taken out of context . . .

The 324-name list consists of a mix of cases that include individuals whose remains have been repatriated and identified, persons known to have died during wartime or in captivity, persons for whom there is no analytic basis to indicate survival, and still others who can be considered potential candidates for having survived the loss incident, capture and/or captivity. The individuals among the last group—those who can be considered potential candidates for live prisoners—make up less than 50 percent of those on the 324 name list. All of these persons have previously been identified by the Department of Defense as priority discrepancy cases.²³⁸

The DIA analysis of the 324 names indicates that in more than half of the cases, the individuals either died in their incidents or no analytic basis exists to indicate survival. In five cases, the remains of the individuals have been returned to the families. This analysis is consistent with the views of DIA presented above concerning the possibility that American POWs were left behind in Laos.

²³⁷ "U.S. POW/MIAs Who May Have Survived in Captivity", Prepared by the Office of Senator Bob Smith, Vice-Chairman, Senate Select Committee on POW/MIA Affairs, 12/1/92.

²³⁸ DIA Analysis of the 324 Name List Prepared by the Office of Senator Bob Smith, undated, provided to the Select Committee on December 4, 1992.

As of the date of publication of this report, Senator Smith notes that because of his trip to Southeast Asia and North Korea in December, 1992, he has not further reviewed the cases which he selected in his working document of December 1st. The Senator also notes that he cannot accept DIA's analysis on 50 percent of the cases on his list without further reviewing the actual casualty and intelligence information noted next to the names on his list. As a result, Senator Smith continues to have questions pertaining to these cases.

CRITICISMS OF U.S. GOVERNMENT ACCOUNTING

Over the years, the U.S. Government has been severely criticized by some members of the public and POW/MIA families for failing to obtain a more complete accounting for those Americans lost as a result of the war in Southeast Asia. U.S. Government officials, from President Nixon on down, have been accused of misleading the American public and of failing to make the POW/MIA issue a matter of "highest national priority," despite pledging to do so. The Defense Department has been criticized for its unwillingness, until recently, to dedicate adequate manpower and resources to POW/MIA efforts. Its accounting process has been described as sloppy, inaccurate and uncoordinated. DIA has become the focal point for those who find the U.S. Government's process wanting. DIA officials have been accused of having a "mindset to debunk" and of being part of a Government-wide conspiracy to keep the American people in the dark about the fate of Americans unaccounted-for in Southeast Asia.

In investigating the U.S. Government's process of accounting, the Committee sought to determine to what degree these charges are valid. At the same time, however, the Committee understood that the United States cannot achieve the desired goal of a fullest possible accounting on its own. This objective ultimately depends on the cooperation of the Governments of Vietnam, Laos and Cambodia. Without it, a faultless process from the U.S. side—and to be sure, the U.S. process certainly was not faultless—could not and will not guarantee success.

Committee findings

The findings of this phase of the Committee's investigation include:

By far the greatest obstacle to a successful accounting effort over the past twenty years has been the refusal of the foreign governments involved, until recently, to allow the U.S. access to key files or to carry out in-country, on-site investigations.

The U.S. Government's process for accounting for Americans missing in Southeast Asia has been flawed by a lack of resources, organizational clarity, coordination and consistency. These problems had their roots during the war and worsened after the war as frustration about the ability to gain access and answers from, Southeast Asian Governments increased. Through the mid-1980's, accounting for our POW/MIAs was viewed officially more as a bureaucratic exercise than as a matter of "highest national priority."

The accounting process has improved dramatically in recent years as a result of the high priority attached to it by Presidents Reagan and Bush; because of the success of Gen. Vessey and the JTF-FA in gaining permission for the U.S. to conduct investigations on the ground in Southeast Asia; because of an increase in resources; and because of the Committee's own efforts, in association with the Executive branch, to gain greater cooperation from the Governments of Vietnam, Laos and Cambodia.

After an exhaustive review of official and unofficial lists of captive and missing Americans from wartime years to the present, the Committee uncovered numerous errors in data entry and numerous discrepancies between DIA records and those of other military offices. The errors that have been identified, however, have since been corrected. As a result, the Committee finds no grounds to question the accuracy of the current, official list of those unaccounted for from the war in Southeast Asia. This list includes 2,222 missing servicemen except deserters and 42 missing civilians who were lost while performing services for the United States Government. The Committee has found no evidence to support the existence of rumored "secret lists" of additional missing Americans.

The decision by the U.S. Government to falsify "location of loss" data for American casualties in Cambodia and Laos during much of the war contributed significantly both to public distrust and to the difficulties experienced by the DIA and others in trying to establish what happened to the individuals involved.

The failure of the Executive branch to establish and maintain a consistent, sustainable set of categories and criteria governing the status of missing Americans during and after the war in Southeast Asia contributed substantially to public confusion and mistrust. During the war, a number of individuals listed as "prisoner" by DIA were listed as "missing in action" by the military services. After the war, the legal process for settling status determinations was plagued by interference from the Secretary of Defense, undermined by financial and other considerations affecting some POW/MIA families and challenged in court. Later, the question of how many Americans remain truly, "unaccounted for" was muddled, by the Defense Department's decision to include "KIA/BNR's"—those known to have been killed, but with bodies not recovered—in their listings. This created the anomalous situation of having more Americans considered unaccounted for today than we had immediately after the war.

The Committee's recommendations for this phase of its investigation include:

Accounting for missing Americans from the war in Southeast Asia should continue to be treated as a "matter of highest national priority" by our diplomats, by those participating in the accounting process, by all elements of our intelligence community and by the nation, as a whole.

Continued, best efforts should be made to investigate the remaining, unresolved discrepancy cases in Vietnam, Laos and Cambodia.

The United States should make a continuing effort, at a high level, to arrange regular tri-partite meetings with the Governments of Laos and Vietnam to seek information on the possible control and movement of unaccounted for U.S. personnel by Pathet Lao and North Vietnamese forces in Laos during the Southeast Asia war.

The President and Secretary of Defense should order regular, independent reviews of the efficiency and professionalism of the DOD's POW/MIA accounting process for Americans still listed as missing from the war in Southeast Asia.

A clear hierarchy of responsibility for handling POW/MIA related issues that may regrettably arise as a result of future conflicts must be established. This requires full and rapid coordination between and among the intelligence agencies involved and the military services. It requires the integration of missing civilians and suspected deserters into the overall accounting process. It requires a clear liaison between those responsible for the accounting (and related intelligence) and those responsible for negotiating with our adversaries about the terms for peace. It requires procedures for the full, honest and prompt disclosure of information to next of kin, at the time of incident and as other information becomes available. And it requires, above all, the designation within the Executive branch of an individual who is clearly responsible and fully accountable for making certain that the process works as it should.

In the future, clear categories should be established and consistently maintained in accounting for Americans missing during time of war. At one end of the listings should be Americans known with certainty to have been taken prisoner; at the other should be Americans known dead with bodies not recovered. The categories should be carefully separated in official summaries and discussions of the accounting process and should be applied consistently and uniformly.

Present law needs to be reviewed to minimize distortions in the status determination process that may result from the financial considerations of the families involved.

Wartime search and rescue (SAR) missions have an urgent operational value, but they are also crucial for the purposes of accounting for POW/MIAs. The records concerning many Vietnam era SAR missions have been lost or destroyed. In the future, all information obtained during any unsuccessful or partially successful military search and rescue mission should be shared with the agency responsible for accounting for POW/MIAs from that conflict and should be retained by that agency.